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Attorney for NICHOLAS POPOALII

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
NICHOLAS POPOALII,  
Defendants.

CASE NO. CR 08-0118 MMC

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING SENTENCING  
HEARING**

Date: August 26, 2009  
Time: 2:30 pm  
Court: Hon. Maxine M. Chesney

## STIPULATION

Defendant Nicholas Popoalii, by and through his counsel, Edward W. Swanson, and the United States, by and through Assistant United States Attorney Tarek J. Helou, hereby stipulate to continue the defendant's sentencing hearing, currently scheduled for August 26, 2009, until September 30, 2009. The reason for the continuance is that, after the probation interview had been scheduled, Mr. Popoalii was moved from one institution to another. When counsel learned of the move, it was too late to schedule a contact visit. As a result, the probation interview did not go ahead on the day the probation officer and defense counsel had planned. In order to have the Presentence Report completed in sufficient time for the parties to be able to review it before the sentencing hearing, a continuance of the sentencing date is necessary.

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2 The parties therefore request that the sentencing in this case, currently scheduled for August 26,  
3 2009, be continued until September 30, 2009. USPO Connie Cook has no objection to the continuance.

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5 IT IS SO STIPULATED.

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7 Dated: July 9, 2009

/s/  
8 Edward W. Swanson  
9 SWANSON, McNAMARA & HALLER LLP  
10 Counsel for NICHOLAS POPOALII

11 Dated: July 9, 2009

/s/  
12 Tarek J. Helou  
13 Assistant United States Attorney

14  
15 ORDER

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 Dated: July 13, 2009

  
18 MAXINE M. CHESNEY  
19 United States District Court